

AMENDMENT UNDER 37 C.F.R. §1.111
USSN 10/673,573

AMENDMENTS TO THE DRAWINGS

Please add new Figure 7, as attached to this Amendment.

Attachment: New Sheet

REMARKS

By this Amendment, Applicant is amending claims 1, 4-5, 10, 13, 15, 17-18, 20-21, 23, and 35, and is canceling claims 2-3, 11-12, and 22. Claims 26, 27, 31, 33, 36, and 37 were previously canceled. Following entry of the present Amendment, claims 1, 4-10, 13-21, 23-25, 28-30, 32, and 34-35 are all the claims pending in the application.

In the present Office Action, the Examiner rejects claims 1-21, 24-25, 28-30, 32, and 34-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. 2,347,158 to Spraragen (Spraragen '158) in view of US 2,767,444 to Spraragen (Spraragen '444). Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Spraragen '158 in view of Spraragen '444 and further in view of US 2,566,282 to Bradley et al. Applicant thanks the Examiner for indicating that claim 23 is allowable over the prior art of record.

Following entry of the present Amendment, the application presents five independent claims, namely claims 1, 13, 15, 21, and 35. Each of these claims is believed to patentably distinguish over the cited references for at least the reasons given below. The claims respectively depending on these independent claims are considered patentable at least by virtue of their dependency.

Claim 1 has been amended to recite a first fastening element and a second fastening element "wherein the first fastening element projects diagonally away from a first side of the welt flap and is configured to apply a force to a first adjoining component in a direction toward the welt core, and the second fastening element projects diagonally away from a second side of the welt flap, opposite the first side, and is configured to apply a force to a second adjoining component in a direction away from the welt core." Neither Spraragen '158 nor Spraragen '444

teaches or suggests a first or second fastening element configured as claimed. Accordingly, the grounds of rejection are believed to be moot, and claim 1 is now believed to be in condition for allowance.

Claim 13 has been rewritten into independent form, and recites a fastening element “in a Christmas-tree shape”. According to the grounds of rejection, “it would have been obvious ... to shape the fastening elements in the prior art product in any specific shape depending on the substrate with which it is to be used in view of the secondary reference.” However, the alleged motivation would not have led one skilled in the art to the specific arrangement in fact claimed in claim 13. Accordingly, Applicant requests the Examiner to reconsider the grounds of rejection for claim 13 and withdraw the rejection of record.

In order to illustrate a fastening element of the configuration recited in claim 13, Applicants are herein amending the specification and drawings to add a new Figure 7. This figure illustrates a fastening element “in a Christmas-tree shape”. Support for the figure in the originally filed application is found, e.g., at paragraph [0015] and original claim 13 itself.

Amended claim 15, rewritten herein as an independent claim, recites, inter alia, a first fastening element having an anchor shape and a second fastening element protruding substantially perpendicular from opposing sides of the welt flap, in the area of the welt core. Such a configuration is neither taught nor suggested by the cited prior art. Therefore, Applicant requests the Examiner to reconsider and withdraw the grounds of rejection.

Independent claim 21 is illustrated by way of example in Figure 6. The configuration claimed does not appear to be taught or suggested by the cited art. Nor do the grounds of rejection appear to address the specific configuration claimed. Accordingly, Applicant requests

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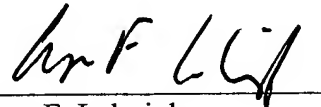
the Examiner to reconsider the grounds of rejection for claim 21 and withdraw the rejection of record

Finally, independent claim 35 recites, inter alia, that "the welt flap comprises a first notch formed on a first side thereof and a second notch formed on a second side thereof, opposite the first side, wherein the first and second notches are configured to be operatively connected to a metal clip." Based on the limitations presented, claim 35 is believed to be patentable, and reconsideration of the rejection is therefore requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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